

# **EXHIBIT “C”**

**American Court Reporting**  
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Page 1	Page 3
IN THE FEDERAL COURT OF THE MIDDLE DISTRICT OF ALABAMA	1 the parties may make objections and assign 2 grounds at the time of trial or at the 3 time said deposition is offered in 4 evidence, or prior thereto.
CIVIL ACTION NUMBER 2:06CV-377-WKW	5 Please be advised that this is the 6 same and not retained by the Court 7 Reporter, nor filed with the Court
PIONEER SERVICES, INC., Plaintiff,	8
vs	9
AUTO-OWNERS INSURANCE COMPANY, Defendant	10
THE VIDEO TAPEDE DEPOSITION TESTIMONY OF: WILLIAM BARRETT	11
February 2, 2007	12
9:55 a m	13
COURT REPORTER:	14
Gwendolyn P. Timbie, CSR	15
	16
	17
	18
	19
	20
	21
	22
	23
Page 2	Page 4
1       S T I P U L A T I O N S	1       I N D E X
2       IT IS STIPULATED AND AGREED by and	2       EXAMINATION BY:                   PAGE NO:
3 between the parties through their	3       Mr Hall                           9
4 respective counsel that the deposition of	4       Certificate                       175
5 WILLIAM BARRETT, may be taken before	5
6 Gwendolyn P Timbie, Certified Shorthand	6       L I S T O F E X H I B I T S
7 Reporter and Notary Public, State at	7       EXHIBITS:                       PAGE NO:
8 Large, at the law offices of Morrow,	8       Plaintiff's 11                   98
9 Romine & Pearson, Montgomery, Alabama, on	9       Plaintiff's 12                   166
10 February 2, 2007, commencing at	10
11 approximately 9:55 a m	11
12       IT IS FURTHER STIPULATED AND	12
13 AGREED that the signature to and the	13
14 reading of the deposition by the witness	14
15 is waived, the deposition to have the same	15
16 force and effect as if full compliance had	16
17 been had with all laws and rules of Court	17
18 relating to the taking of depositions.	18
19       IT IS FURTHER STIPULATED AND	19
20 AGREED that it shall not be necessary for	20
21 any objections to be made by counsel to	21
22 any questions, except as to form or	22
23 leading questions, and that counsel for	23

1 (Pages 1 to 4)

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## 1 APPEARANCES

## 2 FOR THE PLAINTIFF:

3 HARRY P. HALL, II, Esquire  
 Farmer, Price, Hornsby & Weatherford  
 5 100 Adris Place  
 Dothan, Alabama 36303

## 6 FOR THE DEFENDANT:

7 JOEL H PEARSON, Esquire  
 Morrow, Romine & Pearson  
 122 South Hull Street  
 10 Montgomery, Alabama 36104

1 Mr. Reeves, which -- there was a ruling by  
 2 the Court, and I don't believe any further  
 3 objection is necessary by me at this  
 4 time If you think I need to put  
 5 something additional on the record as to  
 6 what I put on the prior one, you can let  
 7 me know But I think the Court didn't  
 8 want us to make continuing calls to the  
 9 Court, and that my reference to the prior  
 10 objection could be placed on the record  
 11 And that was sufficient

12 MR. HALL: Yeah That's my  
 13 understanding as well, is that all of your  
 14 objections you made at Bill Reeves'  
 15 deposition will be standing objections --

16 MR. PEARSON: Yes

17 MR. HALL: -- concerning the  
 18 technique of taking the depositions  
 19 All right This is February  
 20 2, 2007, in a case involving Pioneer  
 21 Services versus Auto-Owners The case  
 22 number is CV -- no That's not right  
 23 Well, let's see We've removed it, so

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1 I, Gwendolyn P Timbie, Certified  
 2 Shorthand Reporter and Notary Public for  
 3 the State of Alabama at Large, acting as  
 4 Commissioner, certify that on this date,  
 5 pursuant to the Federal Rules of Civil  
 6 Procedure, and the foregoing stipulation  
 7 of counsel, there came before me at the  
 8 law offices of Morrow, Romine & Pearson,  
 9 Montgomery, Alabama, commencing at  
 10 approximately 9:55 a.m., on February 2,  
 11 2007, William Barrett, witness in the  
 12 above cause, for oral examination,  
 13 whereupon the following proceedings were  
 14 had:

15 WILLIAM BARRETT,  
 16 Having been first duly sworn, was examined  
 17 and testified as follows:

18 MR. PEARSON: Let me just put  
 19 on the record -- I think I wrote you about  
 20 it, Harry. I'm just going to adopt the  
 21 objection I made at the deposition of

1 let's get the federal number.

2 MR. PEARSON: It's

3 2:06CV377-WKW  
 4 MR. HALL: That's it.  
 5 MR. PEARSON: I noticed on the  
 6 prior depositions it references the  
 7 Northern District of Alabama It's  
 8 actually the Middle District

9 MR. HALL: Middle District,  
 10 Northern Division

11 MR. PEARSON: Right

12 MR. HALL: That's probably  
 13 what that means.

14 My name is Harry Hall. I  
 15 represent the plaintiff I would ask that  
 16 everyone here identify themselves

17 MR. PEARSON: Joel Pearson for  
 18 Auto-Owners Insurance Company.

19 THE WITNESS: I'm Billy  
 20 Barrett

21 THE REPORTER: I'm Wendy  
 22 Timbie, the court reporter

23 MR. HALL: All right. Go

2 (Pages 5 to 8)

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1 thing he would do is check coverage, make  
2 sure that there's a policy in force  
3 covering the -- that date of loss and  
4 what's being reported And then the next  
5 thing would be contact --

6 Q The customer?

7 A Yes

8 Q All right

9 A From there, you would  
10 determine what the needs of the claim were  
11 from that -- hopefully from that initial  
12 contact and then proceed Make -- make  
13 appointments Do whatever is necessary on  
14 that particular claim

15 Q All right When a claim comes  
16 from an insured or a customer up to  
17 Auto-Owners, is it reported directly to  
18 the Montgomery branch office, or does it  
19 go somewhere else and then come back down  
20 to Montgomery?

21 A Usually they report to their  
22 local agent, who reports directly to the  
23 branch office

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1 Q Montgomery, the branch office  
2 in Montgomery for Auto-Owners, would  
3 receive claims notifications from the  
4 agents within Montgomery's territory?

5 A Yes

6 Q All right How would you get  
7 those? By fax or by e-mail or how?

8 A Either by fax or by mail.

9 Q We've had some testimony about  
10 preprinted claim forms, when a substantial  
11 storm would move through an area and  
12 Auto-Owners would send out these forms  
13 Where were those generated?

14 A Lancing

15 Q All right That came from the  
16 home office, and they went to each agent's  
17 office?

18 A Yes

19 Q And would -- if those were  
20 filled out by the agent on behalf of a  
21 customer that had a claim, they were faxed  
22 to the Montgomery branch office?

23 A Yes.

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1 Q All right So when that came  
2 in, Montgomery -- or the office here in  
3 Montgomery would be the initial  
4 investigating part of Auto-Owners?

5 MR. PEARSON: Object to form

6 A If there has been an occasion  
7 to have preprinted loss notices, you don't  
8 operate in a manner that you would when  
9 those things are not required

10 Q Okay

11 A That means that you've had a  
12 catastrophe

13 Q Yes, sir.

14 A Everybody in the world has a  
15 claim.

16 Q Yeah

17 A There is not sufficient time  
18 to go step by step by step

19 Q Okay

20 A So they're going out in bulk,  
21 and you're making bulk assignments to  
22 independent adjusters And you're  
23 juggling at that point

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1 Q All right Well, then let's  
2 talk about the -- that process during a  
3 catastrophe scenario, where a hurricane,  
4 for instance, comes through and you have  
5 mass claims.

6 How did the Montgomery branch office  
7 handle assignment of the excess work or  
8 the extra work to third-party adjusters?

9 A They would be -- the third  
10 party as you call them, the independent  
11 claims firms, would have been pre-noticed  
12 that they're going to be receiving work  
13 from us They would -- in some cases,  
14 they would set up temporary locations to  
15 receive work from us

16 Q Where would they set those up?

17 A Well, some did; some didn't.

18 Mobile -- for instance, GAB We talked  
19 about them They set up a storm office in  
20 Mobile and began receiving from us there  
21 United Storm Adjusters received in their  
22 office in Tampa and then electronically  
23 disbursed to their adjusters. The other

17 (Pages 65 to 68)

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1 that If you're making a claim for  
 2 something, I think you, personally, would  
 3 know that; that you wouldn't throw  
 4 something away of your own if you're  
 5 wanting someone else to pay you for that  
 6 thing I wouldn't, as a person

7 Q What about after it was  
 8 inspected by the company and photographed?

9 A Well, until I was told that it  
 10 was okay to dispose of it, I wouldn't I  
 11 don't think any prudent person would

12 Q All right. That's all I've  
 13 got Thank you, sir.

14 A You're welcome

15 Q Mr Pearson may have  
 16 questions.

17 MR PEARSON: I don't have  
 18 anything

19 MR HALL: All right This is  
 20 the end of the deposition of William  
 21 Barrett on February 2, 2007, and it's a  
 22 complete recording of these proceedings.

1 C E R T I F I C A T E

2  
 3 STATE OF ALABAMA )  
 4 MONTGOMERY COUNTY )  
 5 I hereby certify that the above  
 6 and foregoing deposition was taken down by  
 7 me in stenotype, and the questions and  
 8 answers thereto were transcribed by means  
 9 of computer-aided transcription, and that  
 10 the foregoing represents a true and  
 11 correct transcript of the deposition given  
 12 by said witness upon said hearing

13 I further certify that I am  
 14 neither of counsel nor of kin to the  
 15 parties to the action, nor am I in anywise  
 16 interested in the result of said cause

17  
 18 GWENDOLYN P. IMBIE, CSR  
 19 Certificate No: AL-CSR-569

20  
 21 My Commission Expires  
 22 March 4, 2009

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1 1:46 p m

2  
 3 FURTHER DEPONENT SAIH NOT

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